

MPEP §806.06 states: “Two or more inventions are related (i.e., not independent) if they are disclosed as connected in at least one of design (e.g., structure or method of manufacture), operation (e.g., function or method of use), or effect.” Claim 73 recites, “receiving a request from a mobile station to connect ... wherein **the request specifies a location criteria**; determining location information for each of the other mobile stations; and ... **connect to the mobile station based on the location criteria and the determined location information.**” Claim 91 recites, “generating **a request specifying a location criteria** for selection of one of a plurality of mobile stations; and causing, at least in part, transmission of the request to a mobile switching center configured to establish a **connection to the one mobile station based on location information of the plurality of mobile stations and the location criteria.**”

As evident from the recitation of the claims, Group I (claims 73-90), and Group II (91-108) possess the same function (operation) and effect. In other words, there is overlap in scope, in so far as there are common features in the group – i.e., relating to establish a connection to the one mobile station based on location information of the plurality of mobile stations and the location criteria.

Furthermore, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, Applicant respectfully traverses the outstanding Restriction Requirements on the grounds that a search and examination of the entire application would not place a serious burden

on the Examiner. For example, group I and II are associated with overlapping search areas (class 455, subclasses 456.2 and 456.5).

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of each of Claims 73-108 be conducted.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

March 8, 2010
Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958